IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 31893 of 2006(V)

PETITIONER:

THE ANGADIKADAVU DON BOSCO SOCIETY,
NO. 499/94, REP. BY ITS SECRETARY,
TALIPARAMBA P.O., KANNUR DISTRICT.

BY ADV. SRI.M.K.SUMOD
SRI.KAUSER EDAPPAGATH
SRI.K.JOHN SEBASTIAN
SMT.A.LOWSY

RESPONDENTS:

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1. THE STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
GOVERNMENT OF KERALA, THIRUVNANTHAPURAM.

2. THE KANNUR UNIVERSITY,
REP. BY ITS REGISTRAR,
KANNUR UNIVERSITY CAMPUS P.O.,
KANNUR.

3. THE CONTROLLER OF EXAMINATIONS,
KANNUR UNIVERSITY,
KANNUR UNIVERSITY CAMPUS P.O.,
KANNUR.

R2&3 BY ADV. SRI.M.SASEENDRAN,SC,KANNUR UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE GOVT. ORDER DT.14.2.2005.

P2: TRUE COPY OF THE COMMUNICATION OF THE PRINCIPAL OF THE COLLEGE TO R2 DT.4.8.05.

P3: TRUE COPY OF LETTER TO R2 DT.17.2.06.

P4: TRUE COPY OF NOTES SUBMITTED TO THE STANDING COMMITTEE SYNDICATE DT.19.6.06.

P5: TRUE COPY OF THE INTIMATION DT.31.8.06.

P6: TRUE COPY OF THE REPRESENTATION DT.8.9.06.

P7: TRUE COPY OF THE COMMUNICATION DT.17.8.06 OF R1.

P8: TRUE COPY OF COMMUNICATION OF THE PETITIONER TO R2 DT.7.9.06.

P9: TRUE COPY OF THE COMMUNICATION DT.27.9.06 OF R2 ADDRESSED TO R1.

P10: TRUE COPY OF THE ORDER GRANTING TO THE COLLEGE DT.11.7.06.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.31893 of 2006

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Dated this the 19th day of February, 2007.

JUDGMENT

The petitioner is a society running self-financed college which is affiliated to Kannur University. The Government granted NOC vide Ext.P1 for commencing three courses, namely, B.A.(English), B.Com. and B.Sc. (Mathematics). Even though NOC was granted for three courses, petitioner initially prepared and commenced two courses and the proposal to commence the third course namely, B.Sc. Mathematics was deferred. The University granted affiliation for B.A.English with Journalism and B.Com. with Computer Science and the said courses were commenced in 2005-2006. However, for the next academic year 2006-2007 petitioner made arrangement for commencing course in B.Sc. Mathematics. Expecting affiliation 23 students were also admitted to the course. It is submitted that the inspection team sent by the University for the purpose of granting affiliation to the course filed report favourably to the petitioner. While the matter is pending before the Syndicate, Government issued Ext.P7 order deferring granting of NOC for commencement of new educational institutions and new courses in existing institutions. It is against this order

the petitioner has filed this W.P.

2. I have heard counsel for the petitioner and Government Pleader. It do not think there is any justification to decline affiliation to B.Sc. Mathematics course commenced by the petitioner because Government had granted NOC vide Ext.P1. If petitioner has made arrangements subsequent to NOC granted by the Government for commencement of course, then obviously the subsequent order i.e. Ext.P7 on policy decision deferring commencement of new course and institutions do not apply to petitioner's case for the course commenced by the petitioner. In the circumstances, W.P. is disposed of directing the Syndicate of the Kannur University to take decision without reference to Ext.P7 order of the Government and based on Ext.P1 NOC issued by the Government. There will be direction to the Controller of Examination to permit the first year students in B.Sc. Mathematics who are allowed to attend the class during 2005-2006 to write the examination pending final decision by the Syndicate of the University.

C.N.RAMACHANDRAN NAIR
Judge

pms